

10/18/76

October 18, 1976

COMPLAINT

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Chairman
Inter-American Commission on
Human Rights
Organization of American States
Washington, D. C. 20006
United States of America

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B6
Declassify: () In Part () In Full
() Classify as () Extend as () Downgrade to
Date Declassify on Reason

Name: Olga Talamante

Nationality: United States of America

Address:
United States of America

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wishes to communicate to the Inter-American Commission on Human Rights, for the purposes established in its Statute and Regulations, the following:

Name of the Person Whose Human Rights Have
Been Violated:

Olga Talamante, Susana Pioli, Mirta Varela, Edith Stahelli de Frias, Osvaldo Gasparini, Ruben Piazza, Eduardo Gonzalez, Eduardo Grutsky, Juan Gonzalez, Julio Varela.

Address:

Olga Talamante, see above; Susana Pioli, Mirta Varela, Edith Stahelli de Frias, are presently in the Azul Prison, Unit 7; Osvaldo Gasparini, Ruben Piazza, Eduardo Gonzalez, Eduardo Grutsky, Juan Gonzalez, Julio Varela, are presently in the Sierra Chica Prison, Unit 2, Olavarria, Argentina.

Description of the Violation:

From approximately November 14, 1974, until March 27, 1976, Olga Talamante, Susana Pioli, Mirta Varela, Edith Stahelli

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de Frias, Osvaldo Gasparini, Ruben Piazza, Eduardo Gonzalez, Eduardo Grutsky, Juan Gonzalez and Julio Varela (hereinafter referred to as the prisoners) were subjected to the following treatment under the criminal justice system of Argentina:

1. The prisoners, except Susana Pioli, were charged originally with violations of Articles 1 and 2 of the Argentine Security Law, Law No. 20.840. The police alleged that they discovered subversive written material and weapons in a house where some of the prisoners attended a barbecue. Identical charges were brought, and soon dismissed, against four other individuals, including Susana Pioli. The weapons which were allegedly found in the house are identical by serial number to weapons claimed to have been found in three other police raids on three different houses. Finally, some of the prisoners did not attend the barbecue; for other prisoners it was their first visit to the particular house. The charges against the prisoners are without foundation. The arrests appear to have been made and the charges brought not because the prisoners had engaged in criminal activities, but because they had been involved in the formerly government supported community centers of Azul.

2. Although the prisoners were arrested on November 10 and November 11, 1974, they did not receive the assistance of an attorney until several months thereafter. At no time did any government official help or encourage the prisoners to obtain effective legal counsel.

3. Although Olga Talamante twice complained of torture to Judge Ippolito of the federal district court in Azul, first on November 14, 1974, and again in December 1974, the judge never pursued the complaints.

4. The first lawyer whom the prisoners retained withdrew from the case after government pressure.

5. The second lawyer whom the prisoners retained, Dr. Perez Abraham of Azul, was harassed until he too left the case. Dr. Abraham was the victim of threatening letters, and, before sentence was passed, his house was bombed.

6. Around the time the prisoners were to be sentenced in July 1975, Judge Ippolito received serious threats including a picture of his daughter accompanied by a letter warning him to make the "proper" decision in the prisoners' case. These threats caused the judge to take an unplanned month's vacation in July and August 1975. When the judge finally did pass sentence on the prisoners, he immediately resigned from the bench.

7. At no time did the prisoners receive a public hearing on the charges against them; neither did they have an opportunity to cross-examine prosecution witnesses or to challenge the prosecutor's evidence.

Supporting Material:

1. Sworn affidavit of Olga Talamante (attached). Please pay particular attention to ¶¶3-8, 26-31, 38.

2. Sworn affidavit of Leonard Weinglass (attached). Please pay particular attention to pp. 8-9.

The above actions violate Article XXV of the American Declaration of the Rights and Duties of Man. "No person may be deprived of his liberty except in the cases and according to the procedures established by preexisting law." These actions also violate Article XXVI of the same document. "Every accused person is presumed to be innocent until proved guilty. Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with preexisting laws..." Therefore, I respectfully request that the Commission investigate these violations.

Olga Talamante
OLGA TALAMANTE

October 18, 1976

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